

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
March 26, 2020

Name of Offender: **Henry Lee Stuckey**

Case Number: **2:11CR00021**

Name of Sentencing Judicial Officer: **Honorable Philip M. Pro**

Date of Original Sentence: **September 4, 2012**

Original Offense: **Wire Fraud, Mail Fraud and Simple Assault**

Original Sentence: **137 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **October 11, 2019**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Community Service** – You must complete 50 hours of community service within 120 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

CAUSE

On October 29, 2019, a report was submitted to Your Honor advising that Stuckey failed to show for three drug tests in violation of his conditions of supervision. At the time, the probation office requested that no action be taken.

RE: Henry Lee Stuckey

Prob12B
D/NV Form
Rev. June 2014

On January 9, 2020, a second report was submitted to Your Honor advising that Stuckey continued to fail to show for drug testing as required. In agreement with the probation office, Your Honor agreed to the modify his supervision conditions to include the completion of 20 hours of community service work, to be completed in 30 days.

On January 18, 2020, Stuckey again failed to show for required drug testing. It should be noted that he has not tested positive for any substances since his commencement of supervision. It appears that calling the drug testing line daily is his main issue versus the use of controlled substances.

He was provided a form 49 Waiver of Hearing which included 50 hours of community service to be completed in 120 days which he signed. The 50 hours of community service requested at this time in in addition to the previous modification for the completion of 20 hours of community service work. The offender was explained his right to a hearing and the assistance of counsel but waived those rights and agreed to the requested modification. Attached is a waiver of hearing form signed by the offender to modify his conditions accordingly.

Respectfully submitted,



Kamu Kapanui
2020.03.26
09:27:08 -07'00'

Kamuela K Kapanui
United States Probation Officer

Approved:



2020.03.26
07:07:49 -07'00'

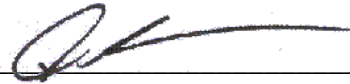
Joy Gabonia
Supervisory United States Probation Officer

RE: Henry Lee Stuckey

Prob12B
D/NV Form
Rev. June 2014

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

3/26/2020

Date

UNITED STATES DISTRICT COURT


District of Nevada

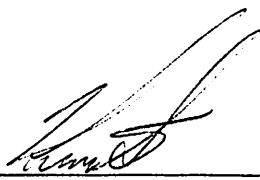
Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Community Service** – You must complete 50 hours of community service within 120 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

Witness 
U.S. Probation Officer

Signed 
Probationer or Supervised Releasee
HENRY STUCKEY

1/21/2020
Date